

**MOFFATT TOWNSHIP CODE OF ETHICS
POLICY NO. 25-002**

ARTICLE I: PURPOSE, APPLICABILITY, AND DEFINITIONS

A. Purpose.

The purpose of the Code of Ethics is to prescribe standards of conduct for the officers, employees, and volunteers of Moffatt Township.

B. Applicability.

The Code of Ethics includes the following policies that apply to all elected and appointed officials, employees and volunteers of Moffatt Township, including its Boards, Commissions, departments, and agencies.

C. Definitions.

1. “Employee” means a person employed by the Township, whether on a full-time or part-time basis.
2. “Confidential information” means information obtained in the course of holding public office or employment that is not available to members of the public and which the official or employee is not authorized to disclose, except as required by law or to designated individuals or bodies, including written and non-written information.
3. “Conflict of interest” includes a matter pending before the Township Board, Planning Commission, Board of Review, or any other Township public body in which:
 - a. a member of the Township Board, Planning Commission, Board of Review, or any other Township public body has a direct pecuniary interest in the matter or in the outcome of the matter, if such interest would result in an incompatibility between the member’s private interests and the member’s fiduciary duties; or
 - b. a person in the member’s immediate family has a direct pecuniary interest in the matter or in the outcome of the matter, if such interest would result in an incompatibility between the member’s private interests and the Member’s fiduciary duties. “Immediate family” means a member’s spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parent’s in-law, or any individual living in the member’s household.
4. “Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, travel, lodging, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

5. “Officer” or “Official” means a person who holds office by election or appointment within the Township, regardless of whether the person is compensated for service in his or her official capacity.
6. “Prohibited source” means any person or entity who:
 - a. is seeking official action by the officer, by the employee, or by the officer or another employee directing that employee;
 - b. does business or seeks to do business with the officer or with the employee, or with the officer or another employee directing that employee;
 - c. conducts activities regulated by the officer or by the employee, or by the officer or another employee directing that employee; or
 - d. has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

ARTICLE II: STANDARDS OF CONDUCT

A. Confidential Information.

Except as otherwise required by law or court order, an officer, employee, or volunteer shall not divulge to an unauthorized person confidential information acquired in the course of employment or in the course of holding office in advance of the time prescribed for its authorized release to the public.

B. Personal Opinion.

An officer, employee, or volunteer shall not represent his or her personal opinion as that of the Township.

C. Use of Township Property and Resources.

An officer, employee, or volunteer shall use personnel resources, property, and funds under their official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for private gain, private purposes or personal purposes.

D. Use of Personal Property.

No Township officer, employee, or volunteer shall use their personal property for official Township business without prior approval from the Township Board. This includes, but is not limited to, equipment, furniture, and other materials.

E. Gifts.

1. **Gifts prohibited.** Except as permitted by this Policy, no officer or employee of the Township shall intentionally solicit or accept any gift from any prohibited source or any gift that is otherwise prohibited by law or Policy.
2. **Exceptions.** Subsection E.1. is not applicable to the following:
 - a. Opportunities, benefits, and services that are available on the same conditions as for the general public.
 - b. Anything for which the officer, employee, or volunteer pays the fair market value.
 - c. Any contribution that is lawfully made under the Campaign Finance Laws of the State of Michigan.
 - d. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of an individual's spouse and the individual's fiancé or fiancée.
 - e. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees.
 - f. Food or refreshments not exceeding \$75.00 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared, or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
 - g. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the

officer or employee and are customarily provided to others in similar circumstances.

- h. Intra-governmental and inter-governmental gifts. For the purpose of this Policy, “intra-governmental gift” means any gift given to an officer, employee, or volunteer from another officer, employee, or volunteer of the Township, and “inter-governmental gift” means any gift given to an officer, employee, or volunteer by an officer, employee, or volunteer of another governmental entity.
- i. Bequests, inheritances, and other transfers at death.
- j. Any item or items from a prohibited source during any calendar year having a cumulative total value of less than \$150.00.
- k. Any item or monetary gift that is donated to the Township, held in the Township’s possession, and used by the Township for any lawful public purpose.

F. Business Transactions.

- 1. An officer, employee, or volunteer shall not engage in a business transaction in which the officer, employee, or volunteer may profit from his or her official position or authority or benefit financially from confidential information which the public officer, employee, or volunteer has obtained or may obtain by reason of that position or authority.
- 2. Teaching or instruction which is not done during regularly scheduled working hours except for annual leave or vacation time shall not be considered a business transaction pursuant to this subsection if the instructor does not have any direct dealing with or influence on the employing or contracting facility associated with his or her course of employment with this state.

G. Incompatibility.

Except as provided by Section 2a of Act 196 of 1973, MCL 15.341 *et seq.*, and other applicable laws, an officer or employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties or when that employment may tend to impair his or her independent judgment or action in the performance of official duties.

H. Political and Campaign Activities.

Public officials and employees must comply with the Political Activities by Public Employees Act, MCL 15.401 *et seq.*, and the Michigan Campaign Finance Act, MCL 169.201 *et seq.*

I. Conflict of Interest.

- 1. Before participating in a decision, hearing, or casting a vote on a matter on which a member may reasonably have a conflict of interest as identified in this Ordinance, the member must

disclose the potential conflict of interest to the Board, Planning Commission, Board of Review, or any other Township public body, as applicable.

2. The member who has disclosed a conflict of interest must disqualify himself or herself at the outset of the hearing or discussion and must not participate in the deliberations or decision. The member must not attempt to exert his or her personal influence with respect to the matter, either at or outside the meeting. The presence of the member at the meeting is not counted in determining the presence of a quorum for purposes of the vote on the matter presenting the conflict of interest. The member's ineligibility to vote will be reflected in the minutes of the meeting.
3. If the member is submitting an application, contract, transaction or any other matter to the Board, Board of Review, or any other Township public body, the member may be present in the meeting room during discussion to make a presentation and answer questions.
4. If a member plans not to attend a meeting at which he or she has reason to believe that the Board, Board of Review, or any other Township public body will act on a matter in which the member has a conflict of interest, the member must disclose to the chair of the meeting all facts material to the conflict of interest. The chair must report the disclosure at the meeting, and the disclosure will be reflected in the minutes of the meeting.
5. In the event a majority of members are disqualified by reason of a conflict of interest and a quorum does not otherwise exist for the purpose of transacting business, then a non-conflicted member shall administer the selection of one or more conflicted members to participate in a matter, but only to the extent necessary to achieve a quorum. Selection of conflicted members shall occur at a public meeting by having the conflicted members draw straws of various lengths to ensure the selection of conflicted members is random. Conflicted members permitted to participate in the discussion and vote on any matter in which the member has a conflict shall be the conflicted members who draw the shortest to the longest straws, in that order. Conflicted members who are not selected or necessary to achieve a quorum shall not participate in the discussion or vote on the matter in which they are conflicted.

J. Fraudulent Conduct.

An officer, employee, or volunteer shall not engage in any fraudulent conduct, including but not limited to:

1. Forgery or alteration of any document or account belonging to the Township.
2. Forgery or alteration of a check or bank draft, or any other financial document.
3. Misappropriation of funds, securities, supplies, or other assets.
4. Impropriety in handling or reporting of money or financial transactions.
5. Authorizing or receiving compensation for hours not worked.

III. REPORTING; ENFORCEMENT

A. Duty to Report.

It is the duty of every Township officer and employee who has a reasonable basis to believe this Policy has been violated to promptly notify the Township Supervisor. If the suspected violator is the Township Supervisor, such notification shall be given to the Township Clerk instead.

B. Protection for Reporting.

No Township officer or employee shall:

1. Dismiss or threaten to dismiss a reporting individual;
2. Discipline, suspend, or threaten to discipline or suspend a reporting individual;
3. Impose any penalty upon a reporting individual; or
4. Intimidate or coerce a reporting individual.

The above conduct is a violation of this Policy.

C. Compliance and Enforcement.

This Policy expresses standards of ethical conduct expected for township board members, appointees, boards and commissions, employees and volunteers. Each person has the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions, department heads, managers and the Supervisor have the additional responsibility to intervene when an individual's actions that appear to be in violation of the Code of Ethical Conduct are brought to their attention. The Township Board may impose sanctions on those individuals whose conduct does not comply with the Policy, such as reprimand, formal censure, loss of seniority or committee assignment, budget restriction, termination or other sanctions as identified by the board. The Township Board may also have the option to remove members of boards, commissions and committees as the law allows. A violation of this Policy shall not be considered a basis for challenging the validity of a Township Board or another public body's decision-making authority.

Acknowledgement:

Print Name

_____/_____/20_____
Date

Signature